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OFFICE OF PETITIONS

In re Application of :
Colbert, et al. :
Application No. 10/038,204 : DECISION ON PETITION
Filed: December 21, 2001 :
Attorney Docket No. 11321-P011C1D3 :
:

This is a decision on the petition to revive under 37 CFR 1.137(b), filed September 6, 2005.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed February 17, 2005. Applicants filed an amendment on December 20, 2004, made timely by including a Certificate of Mailing dated July 18, 2005 and by obtaining a two month extension of time.¹ However, the examiner determined that the amendment did not *prima facie* place the application in condition for allowance. Accordingly, an Advisory Action was mailed on August 9, 2005, informing applicants that the amendment would not be entered. No further reply having been received, the above-identified application became abandoned on July 18, 2005. The mailing of this decision precedes the mailing of a Notice of Abandonment.

¹ July 17, 2005 fell on a Sunday. See 37 CFR 1.7(a).

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and filed a proper reply in the form of a Request for Continued Examination (RCE).

The Change of Correspondence Address submitted with the instant petition has been entered. Future correspondence concerning this application will be mailed to the above address of record.

The application file is being forwarded to Group Art Unit 1754 for consideration of the RCE, filed September 6, 2005.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo

Cliff Congo
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Office of Petitions